

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 394

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO VERTEBRATE PALEONTOLOGICAL SITES AND RESOURCES; AMENDING CHAPTER 30, TITLE 33, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 33-3013, 33-3014, 33-3015 AND 33-3016, IDAHO CODE, TO PROVIDE FOR A PURPOSE, TO PROVIDE FOR EXCAVATION PERMITS, TO PROVIDE FOR RULES, PROHIBITIONS, AUTHORITY AND LIMITATIONS AND TO PROVIDE FOR PENALTIES; AMENDING SECTION 67-4119, IDAHO CODE, TO REMOVE REFERENCE TO VERTEBRATE PALEONTOLOGICAL; AMENDING SECTION 67-4120, IDAHO CODE, TO REMOVE REFERENCE TO VERTEBRATE PALEONTOLOGICAL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-4121, IDAHO CODE, TO REMOVE REFERENCE TO VERTEBRATE PALEONTOLOGICAL AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 67-4122, IDAHO CODE, TO REMOVE REFERENCE TO VERTEBRATE PALEONTOLOGICAL AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 30, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-3013, Idaho Code, and to read as follows:

33-3013. PURPOSE. The purpose of sections 33-3013 through 33-3016, Idaho Code, is to protect vertebrate paleontological sites and resources on public lands in the state of Idaho and to ensure their safety and availability for scientific research.

SECTION 2. That Chapter 30, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-3014, Idaho Code, and to read as follows:

33-3014. EXCAVATION PERMITS. A permit shall first be obtained from the Idaho museum of natural history before any excavation in or on any vertebrate paleontological deposit or site on any public lands in Idaho shall begin. Such permits shall be issued only to applicants who are qualified by experience or professional training to conduct such excavations in an approved scientific manner. The Idaho museum of natural history may appoint any professionally qualified advisors as may be needed to advise upon the granting of said permits.

SECTION 3. That Chapter 30, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-3015, Idaho Code, and to read as follows:

33-3015. RULES -- PROHIBITIONS -- AUTHORITY -- LIMITATION. (1) The Idaho museum of natural history is hereby authorized and empowered to promulgate and to enforce such rules through the state board of education as

1 it may deem needful to protect vertebrate paleontological sites and deposits
2 on any public land in Idaho.

3 (2) No person shall remove from the state of Idaho any part of any such
4 vertebrate paleontological site or deposit without first obtaining the
5 consent of the Idaho museum of natural history.

6 (3) The Idaho museum of natural history may require, as a condition to
7 such consent, that vertebrate paleontological resources removed from the
8 paleontological site or deposit become or remain the property of the state
9 of Idaho.

10 (4) Nothing in this section shall be construed to interfere with
11 the administrative management of vertebrate paleontological resources
12 recovered from any such sites or deposits and which are the property of any
13 agency or institution of the government of the state of Idaho.

14 SECTION 4. That Chapter 30, Title 33, Idaho Code, be, and the same is
15 hereby amended by the addition thereto of a NEW SECTION, to be known and
16 designated as Section 33-3016, Idaho Code, and to read as follows:

17 33-3016. PENALTIES. Any person violating the provisions of sections
18 33-3013 through 33-3015, Idaho Code, shall be guilty of a misdemeanor and,
19 upon conviction thereof, shall, in addition to any other penalties imposed,
20 forfeit to the state of Idaho all articles and materials acquired from or
21 discovered on such vertebrate paleontological sites.

22 SECTION 5. That Section 67-4119, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 67-4119. PURPOSE -- PROTECTION OF ARCHAEOLOGICAL ~~AND VERTEBRATE~~
25 ~~PALEONTOLOGICAL~~ SITES AND RESOURCES. The purpose of this act is to protect
26 archaeological ~~and vertebrate paleontological~~ sites and resources on public
27 lands in the state of Idaho and to ensure their safety and availability for
28 scientific research.

29 SECTION 6. That Section 67-4120, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 67-4120. PERMITS FOR EXCAVATION. A permit shall first be obtained
32 from the board of trustees of the Idaho ~~S~~state ~~H~~historical ~~S~~society
33 before any excavation in or on any prehistoric site, ruins, pictographs,
34 petroglyphs, or any other ancient marking or writing, or in or on any
35 archaeological ~~or vertebrate paleontological~~ deposit or site on any
36 public lands in Idaho. Such permits shall be issued only to applicants
37 who are qualified by experience or professional training to conduct such
38 excavations in an approved scientific manner. Said trustees may appoint any
39 such professionally qualified advisors as, in their opinion, may be needed
40 to advise them upon the granting of said permits.

41 SECTION 7. That Section 67-4121, Idaho Code, be, and the same is hereby
42 amended to read as follows:

1 67-4121. ~~REGULATIONS~~ RULES. The board of trustees of the Idaho ~~S~~state
2 ~~H~~historical ~~S~~society is hereby authorized and empowered to promulgate
3 and to enforce such ~~regulations~~ rules as it may deem needful to protect
4 the prehistoric ruins and relics and archaeological ~~and vertebrate~~
5 ~~palaeontological~~ sites and deposits on any public land in Idaho. No person
6 shall remove from the state of Idaho any part of any such ruins, pictographs,
7 petroglyphs, relics, deposits, objects, specimens, or artifacts recovered
8 from any such archaeological ~~or vertebrate palaeontological~~ site or deposit
9 without first obtaining the consent of the board of trustees of the Idaho
10 ~~S~~state ~~H~~historical ~~S~~society. Said board of trustees may require, as
11 a condition to such consent, that such portion of such relics, ruins,
12 pictographs, petroglyphs, objects, specimens, artifacts, or deposits as
13 said board of trustees shall require, shall become or remain the property
14 of the state of Idaho. Nothing in this section shall be construed to
15 interfere with the administrative management of relics, ruins, pictographs,
16 petroglyphs, deposits, objects, specimens, or artifacts which have been
17 recovered from any such sites or deposits and which are the property of any
18 agency or institution of the government of the state of Idaho.

19 SECTION 8. That Section 67-4122, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 67-4122. PENALTIES. Any person violating this act shall be guilty
22 of a misdemeanor and, upon conviction thereof, shall, in addition to
23 any other penalties imposed, forfeit to the state of Idaho all articles
24 and materials ~~he~~ acquired from or discovered on such archaeological ~~or~~
25 ~~vertebrate palaeontological~~ sites.